

HIAWATHA FIRST NATION

BY-LAW NUMBER 6 - A.

BEING A BY-LAW TO REPEAL AND REPLACE BY-LAW NUMBER 6

ENACTED ON THE 18TH DAY OF APRIL 1978

A BY-LAW TO REQUIRE OWNERS OF PRIVATELY-OWNED OUTDOOR SWIMMING POOLS TO ERECT AND MANTAIN FENCES AND GATES AROUND SUCH POOLS.

WHEREAS paragraphs (L) and (R) of Section 81 of the Indian Act empower the Council to make by-laws respecting the regulations of owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such pools and for prescribing the height and description of, and the manner of erecting and maintaining such fences and gates.

NOW THEREFORE THE COUNCIL OF THE HIAWATHA INDIAN RESERVE ENACTS THE FOLLOWING:

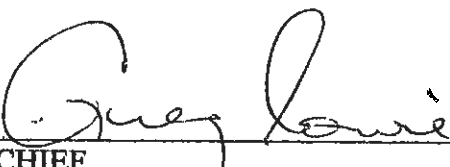
1. In this by-law,
 - (a) Privately-owned outdoor swimming pool, hereafter referred to as a pool, means any privately-owned body of water located outdoors, contained in part or in whole by artificial means in which at the depth of water at any point can exceed twenty-four (24) inches and which is used or capable of being used for swimming, diving or bathing;
 - (b) Owner includes lessee, tenant or person in possession of property on which a privately-owned outdoor swimming pool is located;
 - (c) Enclosure means a fence, wall or other structure, including doors and gates, completely surrounding a pool.
2. No person shall fill a pool with water or allow a pool to be filled with water until an enclosure complying with the provisions of this by-law has been erected.
3. Such enclosure shall extend from the ground to a height of not less than four feet.
4. A fence forming part of an enclosure, shall
 - (i) to be located not closer than four feet to a pool;
 - (ii) have no rails or other horizontal or diagonal bracing or attachments on the outside that would facilitate climbing;
 - (iii) in no part consist of barbed wire or other material having similar dangerous characteristics and no device for projectng an electric current through said fence;
 - (iv) if of chain link construction, be
 - (a) of not greater than two inch diamond mesh.
 - (b) constructed of galvanized wire not less than 13 gauge diameter.
 - (c) supported on substantial posts of wood or steel not more than 10 feet apart.
 - (v) if of wood construction, be
 - (a) of vertical boarded construction attached to suporting members in such a mannner as not to facilitate climbing from the outside.
 - (b) supported on substantial posts not more than eight feet apart which are securely embedded in the ground.
 - (vi) if of any other material and construction, provide an equivalent degree of safety as that of chain link or wood construction.
5. Gates forming part of an enclosure, shall
 - (i) be of construction and height equivalent to that required for the fence.
 - (ii) be supported on substantial hinges.
 - (iii) be self-closing and equipped with self-latching devices placed at the top and on the inside of said gates.


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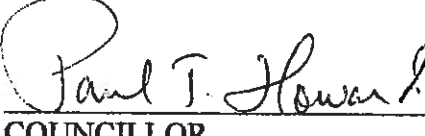
REPLACING BY-LAW NUMBER 6


6. Any door providing access from a building forming part of an enclosure, other than a door located in a dwelling unit or rooming unit shall be self-closing and equipped with a self latching device located not less than five feet above the bottom of the door.
7. Every gate providing access to a pool shall be kept locked at all times when a responsible person is not present and supervising the pool.
8. A boundary fence which complies with the provisions of this by-law shall be deemed to be a sufficient enclosure.
9. Notwithstanding anything contained herein, an enclosure shall not be required where the outside wall of a pool is elevated at least five feet above the grade of the ground abutting such wall and each and every entrance to a pool is protected by a gate at least five feet high and having self-closing, self-latching devices.
10. The provisions of this by-law shall apply to all pools regardless of the date of construction.
11. Any person who contravenes any provision of this by-law is guilty of an offence and is liable, on summary conviction of a fine not exceeding \$1,000.00, or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under this section R.S. c149, s 80.
12. This by-law shall come into force and take effect on August 26, 1999 and any owner not complying with the regulations herein contained at such date shall drain his pool and keep it drained until such times as said regulations are complied with.
13. Approved and passed at a duly convened meeting of the Hiawatha First Nation Band Council this 30th day of June, 1999.


CHIEF


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